IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 19739 of 2004

Between:

Davala John, s/o Pitchaiah, Hindu,
R/o Endugumpalem Village, Nadendla Mandal, Guntur District.

..... PETITIONER

AND

1 The District Collector (CS) Guntur, Guntur District.
2 The Joint Collector, Guntur, Guntur District.
3 The Revenue Divisional Officer, Narasaraopet, Guntur District.
4 The Mandal Revenue Officer, Nadendla Mandal, Nadendla, Guntur District.
5 Davala Rathna Kumari, W/o Tathna Kumar, Hindu,
R/o Endugumpalem Village, Nadendla Mandal, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more particularly one in the nature of writ of Mandamus or any other appropriate writ, declaring the order of the 3rd respondent ie., Revenue Divisional Officer, Narasaraopet, Guntur District vide his proceedings bearing RC.No. 1935/2004-B dated 16-10-04 where under the authorisation of the petitioner F.P. Shop dealership of Endugumpalem Village, Nadendla Mandal, Guntur District was suspended as illegal arbitrary and in violation of principles of natural justice and in violation of Art. 14 and 21 of the Constitution of India and the provisions of A.P. Scheduled Commodities (RDCS) Order 1973 and set aside the same and consequently direct the respondents to continue the petitioner as F.P. Shop Dealer of Endugumpalem Village , Nadendla Mandal, Guntur district so as to the petitioner is enable to distribute the Essential Commodities to the card holders.

Counsel for the Petitioner: MR.G.V.L.MURHTY

Counsel for the Respondent Nos.1 to 4: GP FOR CIVIL SUPPLIES

Counsel for the Respondent No.5: ------

The Court at the admission stage made the following :

ORDER:

The petitioner is the authorized dealer of a fair price shop of Endugumpalem Village of Nandendla Mandal in Guntur District. The authorization of the petitioner was suspended by the 3rd respondent-Revenue Divisional Officer, Narasaraopet, Guntur District, by order dated 16-10-2004 pending enquiry into the alleged irregularities of the commodities. The petitioner states that against the order of suspension, he has preferred an appeal before the 2nd respondent-Joint Collector, Guntur, Guntur District on 19-10-2004, along with an application for stay. However, the same has not been considered and no orders have been passed even on his application for stay so far. Hence this writ petition, seeking a declaration that the order of suspension dated 16-10-2004 is arbitrary and illegal.

Since the statutory appeal filed by the petitioner against the impugned order of suspension is pending before the 2nd respondent, I am of the view that the petitioner cannot be permitted to invoke the jurisdiction of this Court under Article 226 of the Constitution of India. Hence, the relief as prayed for, cannot be granted.

However, keeping in view the plea of the petitioner that the 2nd respondent failed to pass any order even on his application for stay, the writ petition is disposed of, with a direction to the 2nd respondent to consider the application for stay in the appeal filed by the petitioner against the order of suspension dated 16-10-2004, and to pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of one week from the date of receipt of this order. No costs.

28-10-2004

vs

To

1 The District Collector (CS) Guntur, Guntur District.
2 The Joint Collector, Guntur, Guntur District.
3 The Revenue Divisional Officer, Narasaraopet, Guntur District.
4 The Mandal Revenue Officer, Nadendla Mandal, Nadendla, Guntur District.
5 2CCs to the G.P for Civil Supplies, High Court Buildings, Hyderabad(O.U.T).

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